

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DIVISION OF ARKANSAS  
EASTERN DIVISION**

**DAVID LIBRACE**

**PLAINTIFF**

**VS.**

**2:18-cv-00066-BRW**

**JUDGE DURWOOD KING, in his capacity  
as City Judge for West Helena/Helana and  
Personally Circuit**

**DEFENDANT**

**ORDER**

Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. No. 1) and Motion for Temporary Restraining Order (Doc. No. 3) are DENIED.

A district court has the authority to dismiss a case *sua sponte* for failure to state a claim.<sup>1</sup> The named defendant is a state-court judge, and Plaintiff's claims are all related to Defendant's execution of his official duties. Because Defendant is entitled to immunity, this case is DISMISSED for failure to state a claim.

IT IS SO ORDERED this 4th day of May, 2018.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>See *Smith v. Boyd*, 945 F.2d 1041 (8th Cir. 1991).